

REMARKS/ARGUMENTS

In response to the Final Office Action dated December 13, 2007, Applicants respectfully request reconsideration.

Applicants thank Examiner Meucci for the telephone interview conducted on February 5, 2008. Applicants respectfully believe that agreement was reached that the claims are patentable in view of U.S. Pat. App. Pub. No 2003/00613351 A1 (Thomas). As requested by the Examiner, the use of the trade name ActiveX has been removed from the claims.

The Examiner noted during the interview that the use of "configured to" language in the claims may raise patentability issues. Applicants respectfully assert that agreement was reached that while it is true that claim scope is not limited by language that does not limit a claim to a particular structure, whether the use of "configured to" in a claim is mere functional descriptive language or limits the claim depends on the facts of the case, i.e., the context of the claim (See MPEP 2111.04). Applicants respectfully further assert that agreement was reached that here, the use of "configured to" in the claims does limit the claims in each instance. For example, in claim 1, the memory is recited as "a memory that stores a computer-executable program configured to be executed by a computer to provide a computer interface." The use of "stores" limits the structure of the memory to a memory including a computer-executable program, and the language following "configured to" limits the structure of the computer-executable program to a program that will provide a computer interface when executed.

Claim Rejections Under 35 U.S.C. §102

Claims 1-8, 10-16, and 20-31 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. App. Pub. No. 2003/0061335 (Thomas). As discussed above, Applicants respectfully believe that agreement was reached that the claims are patentable in view of Thomas.

Claim Rejections Under 35 U.S.C. §103

Claims 9 and 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thomas as applied above, in view of U.S. Pat. No. 6,459,175 (Potega). As discussed above,

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Applicants respectfully believe that agreement was reached that the claims are patentable in view of Thomas. Potega does not make up for the deficiencies of Thomas and thus Applicants respectfully assert that claims 9 and 17-19 are patentable over Thomas in view of Potega.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,


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